

**REMARKS**

Applicant submits a Petition and Fee for One-Month Extension of Time.

An excess claim fee payment letter is submitted herewith for one (1) additional independent claim and four (4) additional total claims.

Claims 1-12 and 14-24 are all the claims presently pending in the application. The specification and claims 1-2, 5-10, 12, and 14-17 are amended to more clearly define the invention, claim 13 is canceled, and claims 18-24 are added. Claims 1, 12, 14-17, 22, and 24 are independent.

Support for the new claims may be found in the specification at, for example, page 9, lines 23-27, page 10, lines 12-24, page 11, lines 11-13, and with reference to Figure 7.

These amendments are made only to more particularly point out the invention for the Examiner and not for narrowing the scope of the claims or for any reason related to a statutory requirement for patentability.

Applicant also notes that, notwithstanding any claim amendments herein or later during prosecution, Applicant's intent is to encompass equivalents of all claim elements.

Claim 1 stands rejected under 35 U.S.C. § 102(e) as being anticipated by Rabowsky. Claims 1, 11 and 13 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Morley et al. Claims 2-4 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Rabowsky in view of Takamori. Claims 5-6 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Rabowsky in view of Takamori and further in view of Saito et al. Claims 7-8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Rabowsky in view of Takamori and further in view of Morley et al. Claims 9-10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Rabowsky in view of Takamori in further view of Morley

and further in view of Saito et al. Claims 12 and 14-17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Rabowsky in view of Takamori and further in view of Saito et al.

These rejections are respectfully traversed in the following discussion.

## **I. THE CLAIMED INVENTION**

An exemplary embodiment of the claimed invention, as defined by, for example, independent claim 1, is directed to a digital content reproducing system that includes a content server which stores and manages a digital content of movies, and a projecting system which is connected to the content server via a network, receives the digital content from the content server via the network, and reproduces the digital content to show a movie. The projecting system includes a reproducing device, and a backup reproducing device that decodes signals while the reproducing device periodically sends a first predetermined signal to the backup reproducing device.

Conventional systems that reproduce and deliver content are film based. These systems are expensive because the film is expensive to produce, copy, distribute, and store. Further, film tends to degrade over time and may become damaged, thereby introducing errors into the content that is stored on the film.

In stark contrast, the present invention provides a digital content reproducing system that includes a reproducing device, and a backup reproducing device that decodes signals while the reproducing device periodically sends a first predetermined signal to the backup reproducing device.

In this manner, the present invention increases the reliability of all aspects of the

content production, delivery and presentation. The present invention also makes it easier to deal with the content and does not subject the content to the risk of degradation and/or damage. (Page 2, lines 3-8).

## II. THE PRIOR ART REJECTIONS

### A. The Rabowsky reference

Regarding one of the rejections of claim 1, the Examiner alleges that the Rabowsky reference teaches the claimed invention. Applicant submits, however, that there are elements of the claimed invention which are neither taught nor suggested by the Rabowsky reference.

The Rabowsky reference does not teach or suggest the features of the claimed invention including a digital content reproducing system that includes a reproducing device, and a backup reproducing device that decodes signals while the reproducing device periodically sends a first predetermined signal to the backup reproducing device, as recited by independent claim 1.

As explained above, this feature is important for increasing the reliability of all aspects of the content production, delivery and presentation and for making it easier to deal with the content without subjecting the content to the risk of degradation and/or damage.

Indeed, the Examiner admits that the Rabowsky reference “fails to disclose a backup reproducing device which reproduces the digital content when the reproducing device can not serve to reproduce the digital content.” (Office Action, page 5).

Moreover, the Rabowsky reference clearly does not teach or suggest any backup reproducing device at all, let alone a backup reproducing device that decodes signals while the reproducing device periodically sends a first predetermined signal to the backup

reproducing device.

Therefore, the Rabowsky reference does not teach or suggest each and every element of the claimed invention and the Examiner is respectfully requested to withdraw this rejection of claim 1.

**B. The Morley et al. reference**

Regarding one of the rejections of claims 1, 11, and 13, the Examiner alleges that the Morley et al. reference teaches the claimed invention. Applicant submits, however, that there are elements of the claimed invention which are neither taught nor suggested by the Morley et al. reference.

The Morley et al. reference does not teach or suggest the features of the claimed invention including a digital content reproducing system that includes a reproducing device, and a backup reproducing device that decodes signals while the reproducing device periodically sends a first predetermined signal to the backup reproducing device, as recited by independent claim 1.

As explained above, this feature is important for increasing the reliability of all aspects of the content production, delivery and presentation and for making it easier to deal with the content without subjecting the content to the risk of degradation and/or damage.

Indeed, the Morley et al. reference clearly does not teach or suggest any backup reproducing device at all, let alone a backup reproducing device that decodes signals while the reproducing device periodically sends a first predetermined signal to the backup reproducing device.

Therefore, the Morley et al. reference does not teach or suggest each and every

element of the claimed invention and the Examiner is respectfully requested to withdraw this rejection of claims 1, 11, and 13.

**C. The Rabowsky reference in view of the Takamori reference rejection**

Regarding the rejection of claims 2-4, the Examiner alleges that the Takamori reference would have been combined with the Rabowsky reference to form the claimed invention. Applicant submits, however, that the combination would not teach or suggest each and every element of the claimed invention.

Even assuming arguendo that one of ordinary skill in the art would have been motivated to combine these references, the combination would not teach or suggest each and every element of the claimed invention.

None of the applied references teaches or discloses the features of the claimed invention including a digital content reproducing system that includes a reproducing device, and a backup reproducing device that decodes signals while the reproducing device periodically sends a first predetermined signal to the backup reproducing device. As explained above, this feature is important for increasing the reliability of all aspects of the content production, delivery and presentation and for making it easier to deal with the content without subjecting the content to the risk of degradation and/or damage.

Indeed, as explained above, the Rabowsky reference clearly does not teach or suggest any backup reproducing device at all, let alone a backup reproducing device that decodes signals while the reproducing device periodically sends a first predetermined signal to the backup reproducing device.

The Takamori reference does not remedy the deficiencies of the Rabowsky reference.

The Takamori reference a video switcher with a back-up system. In particular, the Takamori reference discloses a main block 1 and a reserve block 3 in communication with a self-diagnostic portion 9. “If any of the self-diagnostic portions 9 detects a failure, the output of the applicable self-diagnostic portion 9 causes the switching portion 5 to switch from the failed block to the other block.” (Col. 2, lines 42-46). In other words, the Takamori reference merely discloses switching from one failed block to the other.

Indeed, the Takamori reference does not teach or suggest that any portion of the main block 1 or the reserve block 3 decodes any signals at all, let alone decodes signals while the reproducing device periodically sends a first predetermined signal to the backup reproducing device.

Rather, the Takamori reference explains that the “video processor unit 13 is fed with input video signals over a plurality of channels and selects one of the input video signals. The digital audio processor unit 15 is supplied with input audio signals over a plurality of channels and selects one of the input audio signals.” (Emphasis added, col. 2, lines 10-15).

Clearly, the Takamori reference does not remedy the deficiencies of the Rabowsky reference.

Moreover, the Takamori reference inherently contradicts the explicit teachings of the Rabowsky reference at col. 10, lines 47-53, wherein it is described that components not readily replaced as required in the Takamori reference at col. 1, lines 24-26.

That is, in order to provide redundance of the secured projector system as described by the Rabowsky reference, the second system would have to be included within the sealed projector system, thereby inherently defeating the goal of the Takamori reference described, for example, at col. 1, lines 24-26, to be able to replace the failed main unit while the backup

unit is operating.

If, on the other hand, two projectors are installed, one as a backup, the Takamori reference requires that there be an external switching unit 5 that would defeat the definition at lines 49-50 of column 10 of the Rabowsky reference that the decrypted motion picture image be secured from possible interception.

Therefore, the Examiner is respectfully requested to withdraw the rejection of claims 2-4.

**D. The Rabowsky reference in view of the Takamori reference and in further view of the Saito et al. reference**

Regarding the rejections of claims 5-6, 12, and 14-17, the Examiner alleges that the Takamori reference would have been combined with the Rabowsky reference and further alleges that the Saito et al. reference would have been combined with a combination of the Takamori reference and the Rabowsky reference to form the claimed invention. Applicant submits, however, that these references would not have been combined and even if combined, the combination would not teach or suggest each and every element of the claimed invention.

Applicant submits that these references would not have been combined as alleged by the Examiner. Indeed, the references are directed to completely different and unrelated matters and problems.

Specifically, the Rabowsky reference is directed to secure electronic delivery of motion pictures in digital format to many end users simultaneously. (Col. 1, lines 9-20).

The Takamori reference is directed to providing a switcher apparatus that allows a failed main video processing unit to be replaced while the backup unit is operating. (Col. 1,

lines 24-27).

In stark contrast, to these references, the Saito et al. reference is directed to providing a low-cost multi-computer system which can take over computer processing tasks when a high speed malfunction occurs. (Col. 2, lines 61-65).

One of ordinary skill in the art who was concerned with providing secure electronic delivery of motion pictures in digital format to many end users simultaneously as the Rabowsky reference is concerned with providing, or who was concerned with providing a switcher apparatus that allows a failed main video processing unit to be replaced while the backup unit is operating as the Takamori reference is concerned with providing would not have referred to the Saito et al. reference (or vice-versa) because the Saito et al. reference is directed to the completely different and unrelated problem of providing a low-cost multi-computer system which can take over computer processing tasks when a high speed malfunction occurs. Thus, the references would not have been combined.

Even assuming arguendo that one of ordinary skill in the art would have been motivated to combine these references, the combination would not teach or suggest each and every element of the claimed invention.

None of the applied references teaches or discloses the features of the claimed invention including a digital content reproducing system that includes a reproducing device, and a backup reproducing device that decodes signals while the reproducing device periodically sends a first predetermined signal to the backup reproducing device. As explained above, this feature is important for increasing the reliability of all aspects of the content production, delivery and presentation and for making it easier to deal with the content without subjecting the content to the risk of degradation and/or damage.



As explained above, neither the Rabowsky reference nor the Takamori reference teaches or suggests a digital content reproducing system that includes a reproducing device, and a backup reproducing device that decodes signals while the reproducing device periodically sends a first predetermined signal to the backup reproducing device.

The Saito et al. reference does not remedy the deficiencies of the Rabowsky reference and the Takamori reference.

Indeed, the Saito et al. reference does not teach or suggest any backup reproducing device at all, let alone a backup reproducing device that decodes signals while the reproducing device periodically sends a first predetermined signal to the backup reproducing device.

Rather, the Saito et al. reference discloses a computer and backup computer that exchange periodic report signal transmissions. "When the main computer and the backup computer are functioning correctly, the OS 130, the application 135 and the control program 131 are loaded into the main storage unit 111 of the main computer 100 and said programs and applications then run. In the backup computer 101 on the other hand, OS 130 such as WindowsNT, Windows95 or MS-DOS and the control program 131 are loaded into the main storage unit 111 and run. Also in the backup computer 101, the application 135 is loaded into the main storage unit 111 but is not run.

In other words, the backup computer system only runs the control system, which handles error reporting and the periodic report signal communications, but otherwise remains idle and does not run the application programs for which the backup computer system entire purpose for existing is to provide a backup so that the application programs will be operated despite a failure in the main computer.

In stark contrast, the backup reproducing device in accordance with the present invention, actively processes signals by decoding the signals while the reproducing device periodically sends a first predetermined signal.

In other words, the backup reproducing device in accordance with an exemplary embodiment of the invention actively processes signals and only needs to send the processed signals when the reproducing device stops operating.

Clearly, not only does the Saito et al. reference fail to remedy the deficiencies of the Rabowsky reference and the Takamori reference by failing to disclose a backup reproducing device, but the Saito et al. reference also fails to teach or suggest the features of the claimed invention including a backup reproducing device that decodes signals while the reproducing device periodically sends a first predetermined signal to the backup reproducing device.

Therefore, the Examiner is respectfully requested to withdraw the rejection of claims 5-6, 12, and 14-17.

**E. The Rabowsky reference in view of the Takamori reference and in further view of the Morley et al. reference**

Regarding the rejection of claims 7-8, the Examiner alleges that the Takamori reference would have been combined with the Rabowsky reference and further alleges that the Morley et al. reference would have been combined with a combination of the Takamori reference and the Rabowsky reference to form the claimed invention. Applicant submits, however, that even if combined, the combination would not teach or suggest each and every element of the claimed invention.

Even assuming arguendo that one of ordinary skill in the art would have been

motivated to combine these references, the combination would not teach or suggest each and every element of the claimed invention.

None of the applied references teaches or discloses the features of the claimed invention including a digital content reproducing system that includes a reproducing device, and a backup reproducing device that decodes signals while the reproducing device periodically sends a first predetermined signal to the backup reproducing device. As explained above, this feature is important for increasing the reliability of all aspects of the content production, delivery and presentation and for making it easier to deal with the content without subjecting the content to the risk of degradation and/or damage.

As explained above, the Rabowsky reference, the Takamori reference, and the Morley et al. reference do not teach or suggest a digital content reproducing system that includes a reproducing device, and a backup reproducing device that decodes signals while the reproducing device periodically sends a first predetermined signal to the backup reproducing device.

Therefore, the Examiner is respectfully requested to withdraw the rejection of claims 7-8.

**F. The Rabowsky reference in view of the Takamori reference and in further view of the Morley et al. reference and in even further view of the Saito et al. reference**

Regarding the rejection of claims 9-10, the Examiner alleges that the Takamori reference would have been combined with the Rabowsky reference and further alleges that the Morley et al. reference would have been combined with a combination of the Takamori

reference and the Rabowsky reference and that the Saito et al. reference would have been combined with a combination of the Rabowsky reference, the Takamori reference and the Morley et al. reference to form the claimed invention. Applicant submits, however, that even if combined, the combination would not teach or suggest each and every element of the claimed invention.

Even assuming arguendo that one of ordinary skill in the art would have been motivated to combine these references, the combination would not teach or suggest each and every element of the claimed invention.

As explained above, none of the applied references teaches or discloses the features of the claimed invention including a digital content reproducing system that includes a reproducing device, and a backup reproducing device that decodes signals while the reproducing device periodically sends a first predetermined signal to the backup reproducing device.

Therefore, the Examiner is respectfully requested to withdraw the rejection of claims 9-10.

### **III. FORMAL MATTERS AND CONCLUSION**

The Office Action objects to the disclosure. This Amendment amends the specification and the claims to provide consistency with the use of the terms encrypt/encode and decrypt/decode. Applicant respectfully request withdrawal of the objection in this regard.

However, the Office Action also objects to the specification and alleges that the specification fails to provide antecedent basis for the features recited by claim 8, with respect

to the lack of an AV input switching device. Applicant respectfully traverses this objection.

The exemplary embodiment of the present invention which is illustrated in Figure 10 and clearly described at, for example, page 12, line 27 - page 13, line 24, does not include an AV input switching device. Claim 8 is directed to this aspect of that exemplary embodiment of the invention. Clearly, the specification provides support for the features recited by claim 8.

Applicant respectfully requests withdrawal of this objection.

The Office Action objects to claims 4 and 7. While Applicant submits that such would be clear to one of ordinary skill in the art to allow them to know the metes and bounds of the invention, taking the present Application as a whole, to speed prosecution claims 4 and 7 have been amended in accordance with Examiner Fish's very helpful suggestions.

In view of the foregoing amendments and remarks, Applicant respectfully submits that claims 1-12 and 14-24, all the claims presently pending in the Application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the Application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

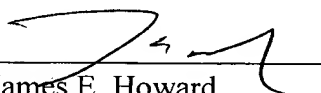
09/824,035  
DOCKET NO. WN-2316

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The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

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